

## Message Text

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PAGE 01 GENEVA 11808 021426Z  
ACTION STR-07

INFO OCT-01 IO-13 ISO-00 STRE-00 AF-10 ARA-10 EA-10  
EUR-12 NEA-10 CEA-01 CIAE-00 COME-00 DODE-00  
EB-08 FRB-03 H-01 INR-10 INT-05 L-03 LAB-04  
NSAE-00 NSC-05 PA-01 CTME-00 AID-05 SS-15 ITC-01  
TRSE-00 ICA-11 SP-02 SOE-02 OMB-01 DOE-15 OIC-02  
AGR-01 FAA-00 DOTE-00 /169 W  
-----047289 021713Z /44

P 021420Z AUG 78  
FM USMISSION GENEVA  
TO SECSTATE WASHDC PRIORITY 2779

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USMTN  
ACTION STR PASS ELECTRICALLY  
STR PASS CODEL

E.O.11652:N/A  
TAGS: MTN, ETRD  
SUBJECT: AIRCRAFT -- DUTY ON REPAIRS DONE ABROAD

1. TPSC 78-87 PROVIDES PARTICULARLY USEFUL INFORMATION ON THE NEGOTIATION OF SECTION 466 OF THE TARIFF ACT OF 1930 WITH REGARD TO AIRCRAFT. INITIAL DISCUSSIONS, AND OUR OWN INTERNAL RESEARCH, HDWEVER, REVEALS SEVERAL AREAS WHERE SUPPLEMENTARY INFORMATION WOULD BE USEFUL.

2. TSUS 999.10 REPORTS THE 1977 VALUE OF EQUIPMENT AND REPAIRS TO VESSELS AT \$23 MILLION, 70 PERCENT OF WHICH OCCURRED IN THE EC. WE HAVE NO IDEA OF THE PROPORTION OF THIS AMOUNT ATTRIBUTABLE TO AIRCRAFT. NEITHER DO WE KNOW ANYTHING ABOUT THE TYPES OF REPAIRS CARRIED OUT. PRESUMABLY EMERGENCY REPAIRS MIGHT BE REPORTED UNDER TSUS 999.10 WHICH COULD THEN BE REMITTED OR REFUNDED. WE  
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WOULD LIKE A BRIEF EXPLANATION OF THE ENFORCEMENT OF SECTION 446 WITH RESPECT TO AIRCRAFT REPAIRS OVER THE PAST FEW YEARS, INCLUDING EXAMPLES OF THE COUNTRIES IN WHICH THE REPAIRS WERE PERFORMED AND THE TYPES OF AIRCRAFT REPAIRS TO WHICH THE DUTIES WERE APPLIED, IF POSSIBLE.

3. WE ARE ALSO CONFUSED AS TO HOW SECTION 466 CAME TO BE APPLIED TO AIRCRAFT. SECTION 466 REFERS ONLY TO VESSELS, NOT SPECIFICALLY TO AIRCRAFT, AND SECTION 401 OF THE TARIFF ACT OF 1930 EXPLICITLY EXCLUDES AIRCRAFT FROM THE DEFINITION OF "VESSEL." HENCE, THE LONG-TIME INTERPRETATION OF THE COVERAGE OF SECTION 466 AS SET OUT IN 19 CFR 6.7D, AND THE 401 DEFINITION SEEM TO BE IN CONFLICT. IT SEEMS UNLIKELY THAT SUCH A CONFLICT COULD REMAIN UNRESOLVED IN THE COURTS FOR OVER 40 YEARS, BUT WE KNOW LITTLE OF THE LEGAL BACKGROUND BEYOND WHAT IS CONTAINED IN TPSC 78-87.

4. DRAFTED BY MIMS/MALISH. MCDONALD

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NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 jan 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** AIRCRAFT, TARIFFS  
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**Decaption Date:** 01 jan 1960  
**Decaption Note:**  
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**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 20 Mar 2014  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
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**Original Previous Handling Restrictions:** n/a  
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**To:** STATE  
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**Review Markings:**  
Sheryl P. Walter  
Declassified/Released  
US Department of State  
EO Systematic Review  
20 Mar 2014  
**Markings:** Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014